



10 MAY 2007

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In re Application of	:	
CHO	:	DECISION ON RENEWED
Serial No.: 10/560,297	:	
PCT No.: PCT/KR04/01880	:	PETITION UNDER
Int. Filing Date: 26 July 2004	:	
Priority Date: 25 July 2003	:	37 CFR 1.47(b)
Atty Docket No.: 05-429-B	:	
For: METHOD OF ALLOCATING LINKS IN A	:	
1X EVDO SYSTEM	:	

This decision is in response to the "Renewed Petition Under 37 CFR § 1.47(b)" filed 12 April 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 09 February 2007, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(b) to proceed without the signature of inventor Kye Cheol CHO. Applicant was afforded two months to file any request for reconsideration.

On 12 April 2007, applicant filed the present renewed petition. The filing contains a certification under 37 CFR 1.8 that it was deposited for mailing on 09 April 2007 and is therefore considered timely filed.

DISCUSSION

As detailed in the decision mailed 09 February 2007, a petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(g); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as an agent for the non-signing inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. Applicant previously satisfied items (1) and (3)-(6).

With the filing of the present renewed petition and accompanying exhibits applicant has satisfied the remaining item.

Therefore, it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons above, applicant's renewed petition under 37 CFR 1.47(b) is **GRANTED**.

The application has an international filing date of 26 July 2004 under 35 U.S.C. 363, and will be given a date of **07 November 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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